



**JASPER COUNTY COUNCIL
VIRTUAL MEETING
MAY 4, 2020
MINUTES**

Call to Order – Chairman Etheridge called the meeting to order at approximately 5:37 P.M in order to enter into Executive Session.

Officials Present: Chairman Henry Etheridge, Vice Chairwoman Barbara B. Clark, Councilman D. Thomas Johnson, Councilman L. Martin Sauls, IV, Councilman Dr. Curtis Brantley

Staff Present: County Administrator Andrew Fulghum, Acting Clerk to Council Tisha L. Williams, County Attorney David Tedder, Administrative Services Director Kimberly Burgess, Emergency Services Director Frank Edwards, Planning and Building Director Lisa Wagner, Election and Voters Registration Director Jeanine Bostick

Executive Session

Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by a public body – Section 30-4-70(a)(5) – Jasper Ocean Terminal (JOT)

Councilman Sauls moves and Vice Chairwoman Clark seconds the motion to return to Open Session. The Motion passes with all Councilmembers present voting in favor.

Return to Open Session at approximately 6:35 P.M.

Chairman Etheridge asked if there are any matters to be brought forward from Executive Session.

Nothing coming out of Executive Session.

Pledge of Allegiance led by Councilman Sauls

Invocation given by Councilman Brantley

Chairman Etheridge performed Roll Call of All Council Members and Staff Members that are Present.

Approval of Agenda

Councilman Johnson moves as Councilman Sauls seconds the Motion to approve the Agenda. The Motion passes with all Councilmembers present voting.

Approval of the Minutes – April 6, 2020

Chairman Etheridge stated that there was a typographical error in the Minutes and asked if Mr. Tedder could explain more of what it was regarding. Mr. Tedder stated in the first item where Council dealt with

the adoption of the Emergency Ordinance, inadvertently the Motion, Second and Vote was omitted as he recall it was Motion by Mr. Sauls and seconded by Dr. Brantley and it passed unanimously, therefore it will be inserted in the Minutes in the proper spot. Chairman Etheridge stated with the corrections made if there is a motion to approve, Councilman Sauls moved to approve the Minutes of April 6, 2020 as Vice Chairwoman Clark seconds the motion. All Members present voting in favor, motion passes to approve the Minutes.

Presentations and Proclamations

Jeanine Bostick – Election and Voter Registration – Update on Elections and Absentee Voting

Ms. Bostick stated that she was also joined by her Chairman Mr. Joseph Arzello and concerning the pandemic and Elections, the Governor has not yet stated that he would be postponing any Elections at this time, therefore they will be moving forward with the Elections for June 9, 2020. All Precincts in Jasper County will be open on Election Day. Ms. Bostick stated that the State is also providing both her and her Staff with PPE Kits and she's also ordering placemats for the floors in each precinct, in order to practice social distancing for the voters. Ms. Bostick stated that she is still in need of the N95 Masks for the staff that's in the Office, as the State is providing the surgical masks. Ms. Bostick stated that she's receiving calls for absentee by mail and the Staff is handling those requests and encourage those who like the mail option must follow the protocol for absentee applications by selection 1 of the 17 reasons for the request.

Approximately 150 ballots have been mailed out to the Voters that have requested them.

Absentee will officially be open for In-house Voting Monday, May 11, 2020 and the last day will be Monday, June 8, 2020 which would be the day before the actual Primary. Chairman Etheridge asked Ms. Bostick what time on June 8th and Ms. Bostick stated Absentee will close In-house at 5:00PM. Councilman Johnson stated that he has a question/suggestion and asked Ms. Bostick if it would be illegal to have Early Voting locations set-up during that time somewhere on the Southend of the County. Ms. Bostick stated that it would be wonderful to have but unfortunately she does not have enough equipment to setup somewhere on the southend of Jasper County, also adding that with the help of Council, hopefully they will be able to obtain the equipment and the manpower that maybe needed for the November Election, but as for June simply there is not enough equipment. Councilman Johnson asked Ms. Bostick to clarify what she meant by equipment. Ms. Bostick advised voting machines, ballot marking device and scanners, as well as copier, phone service etc as well as Staff who will be able to assist voters inside and curbside.

Councilman Johnson inquired hypothetically if it could be opened on a Weekend day, Ms. Bostick stated one on the Saturday before the Election the Ridgeland Office will be open from 9am-1pm.

Councilman Johnson stated that he more so mean the Southend of Jasper County if all the items needed was received, Ms. Bostick stated that the machines would need to be programmed for that locations as currently they have (15) Precincts and would certainly need to have Staff present to operate the location. Mr. Arzillo stated that they had been dealing with Hardeeville regarding election expenses maybe four or five months ago and they signaled that they may had a location and they would love Elections and Voters Registration to use it which is the Jasper County Chamber Office located in Hardeeville. Mr. Arzillo stated that with the help of Council, he would love to have that location up and running for the November Election as it would be very difficult for June and inquired from Ms. Bostick if she would need to go through the Jasper County Delegation to get that approved in which Ms. Bostick stated that she was not sure and

that she would look into it. Councilman Johnson stated that he wasn't talking about it as so much as some sort of pandemic response band-aid situation and it wasn't a proposal but it was questions and maybe he's got his answer. Mr. Arzillo stated that it is something that they would like at some point in the future which would be to have a location in Hardeeville. Councilman Brantley added that it is a Delegation obligation to set-up/establish a new precinct as it has to come through Columbia, Ms. Bostick stated that she isn't sure that it would be considered a precinct but she can find out. Chairman Etheridge inquired if it would be illegal to have a Satellite office in Hardeeville and Ms. Bostick stated that it would not be illegal. Chairman Etheridge thanked Ms. Bostick for her presentation. Ms. Bostick stated that she wanted to make a recommendation to the County, to consider the poll workers working during the pandemic on Election with a possible incentive, maybe \$50 and maybe that's something Council will consider. Also, Ms. Bostick stated that she included in the budget a possible Deputy Director and asked if Council would look into as well.

Open Floor to the Public

Per ordinance 08-17 any citizen of the County may sign to speak before the Council on matters pertaining to County Services and Operations. Presentations will be limited to three (3) minutes and total public input will be limited to 30 minutes.

Chairman Etheridge opens the floor to the Public.

Acting Clerk to Council Tisha L. Williams received (3) Public Comments that was forwarded and read by County Administrator Andrew Fulghum.

Lynn Tindal – Executive Director of Jasper County Soil & Water Conservation District – 1 Bailey Lane
Ms. Tindal wrote that an Earth Day Clean up was held on April 22, 2020 with (13) groups of 2-3 people using their Social distancing and proper protective equipment. We collected 150+ bags, tvs, washing machines, mattresses and misc. debris. During these difficult times, we were overwhelmed at the community support! Facebook has photos and an article was in the Jasper newspaper April 29th. Thank you again JASPER COUNTY for hearing the citizens and supporting and promoting critical issues of litter, waste management and recycling through KEEP JASPER COUNTY BEAUTIFUL !!!!!!!!!!!!!!! TEAM WORK MAKES THE DREAM WORK!

Chairman Etheridge thanked Ms. Tindal for what she is doing and that he saw some of the working.

John Kemp – 319 Shearwater Point Drive Bluffton, SC

The Council asks for comments on the agenda, yet it does not provide any copies of the resolutions/ordinances for the public to review. Comments are placed at the beginning of the meeting to enable the citizens of the county to comment on the various parts of the agenda. How can you comment without any knowledge of what the resolution/ordinance are about.

John Kemp – 319 Shearwater Point Drive Bluffton, SC – Emergency Ordinance on Agenda

1. If this means you will have meeting from your house, as Ridgeland does, I have to disagree. You have staff working, police, first responders, election workers, etc, working. It sets a bad precedence that the council can not meet together using social distancing. Limit the audience and staff, but try to show the council it is in solidarity with their workers. McMasters limited meeting to no more than 10 people. Five

council, Andy, Kim, clerk, and Attorney, gives you time at the meeting plus one more to come in if needed. You have plenty of room to practice social distancing.

2. Section 1 (c). instead of voice vote use roll call vote. If you are holding meetings from home, be clear if there is a nay or yea. A citizen may not be able to see the voting. Roll calls will clarify the meeting. If you keep what is written change "must" to "shall". If you change it to roll call vote then also use the word "shall"

3. Section 7. Instead of two thirds, a simple majority

4. Change all "must" to "shall" In my understanding "shall" leaves no doubt.

5. Instead of using McMasters March 13th order why not use the use the most current one, April 27th. The ordinance should be specific. Instead of the date, the Executive Order number should have been used (2020-08). I have included the executive order. I can not find "directed among there things postponement, rescheduling or cancelation of public meetings". Maybe this is in another order, which I have not found

Mr. Fulghum stated to Chairman Etheridge that the Administration and Clerk to Council received and distributed all Comments to Council Members prior to the Meeting and read them as written. Chairman Etheridge thanked Ms. Tindal for what she does and stated to Mr. Kemp that he will be receiving an email from the County Attorney as to why Council is meeting the way they are and why it is legal to do so. Vice Chairwoman Clark addressed Mr. Kemp's Comment stating that Mr. Kemp could call and easily find that information out, if he wants to know something. And also, Council does not have to use the word "shall" though it maybe a word to his liking and maybe the Council prefers the word "must" as that's what Council has it as and that's what it remain as until the Council sees fit to change it. Chairman Etheridge thanked Vice Chairwoman Clark and reiterated that Attorney Tedder will send the information to Mr. Kemp. Mr. Fulghum stated that he would be happy to send an email back to Mr. Kemp regarding his 1st Comment and will copy Council.

Chairman Etheridge closes the floor.

Resolutions

David Tedder – Resolution Confirming the Business License Class Schedule Effective for the 2020 Business License Renewals

Mr. Tedder stated a few years ago the Business License Ordinance was revamped and brought into conformity with older modules that was put together by the Association of Counties and the Municipal Association of South Carolina. One of those is uniform classification schedule that in conformity with IRS regulations and findings classifies each business as a category. When Council adopted the Ordinance, Council included that schedule as Appendix B with a link to the Municipal Association so it would be updated from time to time. In 2019 several modifications were made then in effect 2016 Classification Schedule Council had it incorporated through the link. This is just a Resolution that confirms that the 2019 rate Classification Schedule Appendix B is able to be found at that link and it is the 2019 version for the 2020 Business License Program.

Councilman Sauls move to approve the Resolution as Vice Chairwoman Clark seconds the motion. All Members present voting in favor. Motion Passes.

Ordinances

David Tedder – Consideration of an Emergency Ordinance to Provide Procedures and Standards for Electronic Meetings During the Continuing COVID-19 Health Emergency for County Council, Modifying

Meeting Schedules of County Boards and Commissions during a State of Emergency, Providing for E-bidding for Vendors, Extending the County Declaration of a Local Emergency, and Emergency Matters Related Thereto

Mr. Tedder stated Council passed an Emergency Ordinance on April 6, 2020 as was just reference in the Minutes. Emergency Ordinances only have a life span of (61) days therefore the County's will soon be expiring, yet the State of Emergency still stays in effect all somewhat modified. Therefore this Ordinance reaffirms that the County's electronic meeting standards will stay in effect and confirms the County's State of Emergency is still in Effect as well as adds a particular section to that has come to light, in which the County needs to have which is to make the Public Bidding process remain public although conducted through the Zoom Meeting for the Bid Openings with electronic solicitations using an electronic vendor service that other Counties use, which has been added in Section 4 – Procurement Ordinance Section

Councilman Johnson moves to also include the recommendations that are clearly in the nature of a Resolution and not an Ordinance, in other words – Council is asking people to use judgement and care about your neighbor and County, but are not suspended anyone rights. Councilman Brantley seconds the motion. Chairman Etheridge inquired if Councilman Johnson is motioning that he would like for it to be Resolution instead of an Ordinance. Councilman Johnson stated that maybe Mr. Tedder may need to explain what he was talking about again, however in the Declaration there is a Resolution asking people to do “those things” and inquired of Mr. Tedder to confirm is he was correct. Mr. Tedder stated that Councilman Johnson is correct as Jasper County is just urging it's Citizens to follow the suggested practices for social distancing. It is not a law, the County is just adding on an addendum recommendation/suggestion. Chairman Etheridge stated that he is confused as to whether it's being done as an Ordinance or a Resolution. Mr. Tedder stated that the Ordinance also included an Resolution that says it's not an Ordinance it is a suggestion and if Council wants, he could change the Title. All Members present voting in favor. Motion Passes.

David Tedder – 1st Reading of an Ordinance Authorizing the Execution and Delivery of a Utility Easement Encumbering Property Owned by Jasper County

Mr. Tedder stated that under State law whenever the County transfers an interest of land owned by the County it has to be done by an Ordinance. This particular easement is a powerline easement to service the Stiney Rd Fire Station and Dominion Energy has requested an easement to bring overhead to a portion of the County's property so that it could service the building, therefore this is the first reading of the Ordinance.

Councilman Johnson moves and Vice Chairwoman Clark seconds the motion. All Members voting in favor and Motions passes.

Lisa Wagner – 3rd Reading of an Ordinance to create within the Zoning Ordinance of Jasper County an additional Residential Zoning District known as Residential, Ridgeland Lakes (RRL), as amended, so as to amend Article 5:1 to establish the purpose of the RRL District; amend Article 6:1 – Table 1, to define the uses allowed within the RRL District; amend Article 7:3, to provide criteria for lot area, yard, setback, and density within the RRL District

Ms. Wagner stated that this Ordinance will create a primary district known as Residential Ridgeland Lakes. This Ordinance is to address Phase 3 of Ridgeland Lakes to make it conforming because the houses are now in the process of being built and the Ordinance will address minimum lot sizes and setbacks. The Planning Commission would like Council to give considerations or require a maintenance fund if there's not a POA established for the subdivision. Ms. Wagner stated that there is not an agreement recorded with the

Register of Deeds and at this point, it is on it's 4th Owner and it would be the POA that would be responsible for the private roads.

Councilman Sauls moves and Vice Chairwoman Clark seconds the motion. All Members voting in favor and Motions passes.

New Business

Andrew Fulghum – Change Order Number 1 for Phase 4 Terminal Area – Ridgeland-Claude Dean Airport

Mr. Fulghum stated that he placed a memo in Council's packet concerning the matter as normally such a change order would not be brought before Council, but in the particular circumstance back in October 2019 the issue came before Council regarding Phase 4 of the airport project and there were bids received of which the Council reviewed and awarded those bids. Mr. Fulghum stated that during that time he filed a recusal statement because the Company that was the lower bidder awarded the contract to employs his spouse and Council authorized the Chairman to sign that contract. Mr. Fulghum stated that just as he removed himself from the Contract, it's best recommended that he remove himself from any Change Orders that come before Council from that company. This is the first Change Order that have come from that company for the amount of \$45,791.63 all basically electrical issues and adding 2 electrical boxes and Dominion is putting a transformer nearby. Mr. Fulghum request to have Council approve the recommendation of having the Chairman sign the change order. Councilman Johnson moves to accept and allow the Chairman to sign the Change Order as Councilman Sauls seconds the motion. All members present voting in Favor. Motion Passes.

Andrew Fulghum – Professional Services Proposal – Route 278 Widening Project in Ridgeland

Mr. Fulghum stated he provided a packet of information to Council via their e-books regarding the 278 Widening project and he prepared a memo to show the budget at the last Council meeting to accept the grant. Mr. Fulghum stated that entire total to complete the project was included in Council's packet along with the Engineering Services total being \$302,500 of which it was said at the last Council meeting that the County would go before the Transportation Committee to see if they would fund the professional services amount and Ms. Williams mailed out to the Transportation Committee today to see if they will approve at their May 11th meeting and after that meeting there will be a kick off meeting on May 13, 2020. Mr. Fulghum is asking Council to consider Alliance Engineering to perform the Engineering Services portion of the project for the \$302,500 only if the Transportation Committee approves Council's request for grant the funds. Vice Chairwoman moved as Councilman Sauls seconds the motion. Councilman Brantley inquired from Mr. Fulghum what would happen if request is denied. Mr. Fulghum stated that if it were to happen, he would come back before Council to find an alternative for the engineering portion. Councilman Johnson asked if the County has engineers specifically instructed to give all possible alternatives to moving any live oak trees. Mr. Fulghum stated that he expressed Councilman Johnson's concerns with the engineer and would have more information at later time. All Members present voting in favor, motion passes.

Kim Burgess – Request for Appointment to A-Tax Committee

Ms. Burgess stated that the South Carolina Accommodation Tax Committee Requires (7) Committee members and the County currently has a total of (4) so she is seeing (3) appointments tonight. Ms. Burgess stated that if Council would like to have the copy of the recommendations prior to the last budge approval meeting which would be June 15th she would need the appointments as soon as possible. The advertisement to request applicants will be May 13, 2020 and May 20, 2020. Chairman Etheridge asked if there are any appointment tonight from Council. Councilman Brantley Inquire what would be required to

be on the Committee, Ms. Burgess stated that it would be one meeting a year and the applicant must have a business interest in Jasper County. Chairman Etheridge advised that hopefully by next Council meeting, the Council may have some appointments. Chairman Etheridge asked who was on the Committee, Ms. Burgess stated that William Olendorf, Kendall Malphrus, Tony Myers and Claude

Frank Edwards – Request for Approval of Engineering Design Fees – Marsh Cove Fire Station Additional Water line and Fire Pump

Chief Edwards stated that as part of the design for the Marsh Cove Fire Station, a fire sprinkler to the building as Council is aware of due to the fact there wasn't any water supply at the building. Therefore Chief Edwards had to come up to tap into the elevated supply tanks that he uses to fill up their fire apparatus and in order to do that a small fire pump is needed to boost the pressure coming from those tanks into the building for the fire sprinkler in which he is requesting Council's approval to spend \$8,000 for the Engineers to design the additional water lines and the fire pump system. Councilman Sauls moves to accept as Councilman Johnson seconds the Motion. All members present voting in favor. Motion passes.

Old Business

Council Members' Comments

Councilman Johnson stated that he attended several virtual meetings on various things including the Port and mostly like most people just trying to address things that come up. He stated that there were some constituent concerns that was addressed with Staff but other than that nothing major to report.

Councilman Sauls stated that he participated in Earth Day's Trash Pick-Up around Jasper County and that was a great Day. He also thanked Lyn Tindal, Town of Ridgeland, the Conservation Group, City of Hardeeville and all the Volunteers that came out. Councilman Sauls stated that there has been a lot of social medial buzz regarding the County's recycling centers and people that have called him regarding the Council's decision to close the Recycling Centers at 5pm adding that part of the reason for it is due to there are several positions open in the Engineering Dept for drivers for the Equipment as well as waster Management closing and the massive amount of material that's been going in the recycling center because more people are home and he hopes that the Community will have more patience with the County on that and hopes that people will apply for those available positions. Councilman Sauls also thanked that first responders and the many people working on the front line adding that he appreciates what they are doing to risk their lives to protect others and that he's constantly keeping them in his prayers.

Vice Chairwoman Clark stated that it's a pleasure seeing all of her Council co-workers and those that are employed by the County adding that she has been sitting at home doing just what she is doing now. Vice Chairwoman Clark stated that she is afraid of the virus and that she did go out one day to have her boys drop off some masks she received to the elderly briefly. Vice Chairwoman Clark stated that she echoes the sentiments of Councilman Sauls in thanking the First Responders, all those who are out working and the County Administrator Mr. Andrew Fulghum for keeping things under control adding that Council's phone isn't ringing in the middle of the night and that he's doing a good job along with EMS and everyone else. Vice Chairwoman stated that the virus is real and that she and those that go along with her in age should limit themselves from being out in the crowd as she noticed today that there are 10 in Jasper County that have passed adding that she will be home for a while.

Councilman Brantley stated that his prayer that everyone will be safe.

Chairman Etheridge stated that he attended some of the virtual meetings about the Port as well and they didn't learn anything new but they are hopeful. Chairman Etheridge read a portion of the Emergency Ordinance adding that he hopes that it doesn't take the 61 days and that the County is trying to help in saving lives. Chairman Etheridge that things are gradually opening up and that the County is trying to keep people safe and alive and he appreciates everything the Governor of South Carolina, the Administrator, the First Responders have done to keep everyone safe. Vice Chairwoman stated that she has one request for the LRTA Board. Chairman Etheridge stated that it will be brought up at the next Council Meeting.

Administrator's Report

Mr. Fulghum stated that Council has the Administrator's Report in their packet adding that the last page of the report was in regards to the Budget. Ms. Burgess has been working very hard on the budget and provided a quick schedule and believes that he will be able to bring before the next Council meeting 05/18/20 the 1st Reading of the Budget followed by a Budget Workshop May 21st if that date is good for the Council to work with. Chairman Etheridge stated that the County Administrator is doing a super job during the State of Emergency and that Mr. Fulghum has been in situations where he personally would not want to be in at his age, and thanked all the Staff for what they are doing.

Adjourn

Vice Chairwoman moves as Councilman Sauls seconds the Motion to adjourn. The Motion passes with all Councilmembers present voting in favor. Meeting Adjourned

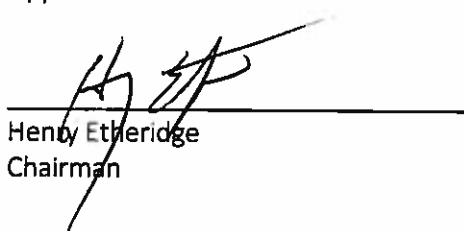
Meeting adjourned at 7:39 P.M.

Respectfully submitted:



Tisha L. Williams
Acting Clerk to Council

Approved:


Henry Etheridge
Chairman